

# Of Opening Colleges & Obtaining Licences

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“We don’t need no education; we don’t need no thought control”

*Pink Floyd*

## Introduction

Education, as anyone would agree, is an inevitable element in our lives. People say “All I wanted to know I learned in kindergarten.” Still we know that in our kind of society, we cannot do without higher education. It was Gandhi who said, “He, who opens a school, closes down a jail.” If this was true and if I had my way, I would have gladly let anyone who wants to open a school to go ahead. In our country, the government has its way but probably it does not agree with Gandhi. Had that not been the case, the higher education scenario would not have been the same in our country. In India, unlike most other countries, the state plays an active role in education. In some cases it actively participates in providing education where as in others, it regulates private players who want to enter the same service. This paper investigates the means by which the state regulates the higher education scenario in our country. We try to recognise the agencies and the means by which the government prevents (well almost) private entrepreneurs from entering the field of higher education.

We have, in our pursuit to familiarise you with the system, first enlisted the authorities concerned and described their specific functions, accompanied by the procedure that an institution has to follow in order to start functioning. We present our case study so as to give a real life example of how things actually take place. Finally we critically analyse the system pointing out its flaws and then discuss what could be done towards a rewarding higher education system.

## Authorities

Let us consider the authorities that regulate and deal with the higher education scenario.

1. Registrar of Societies
2. Directorate of Technical Training and Education (DTTE)
3. Directorate of Higher Education (DoHE)
4. Delhi Development Authority (DDA)
5. Concerned University
6. Concerned council
7. University Grants Commission (UGC)

### Registrar of Societies

Any institution has to be registered as an educational society under Act 21 of the Society Registration Act, 1860 in order to start functioning. This Act requires the society to be non-profit making.

### Directorate of Training and Technical Education (DTTE)

Issues No Objection Certificate (NOC) in case of courses approved by All India Council for Technical Education. Renews the NOC every year after an inspection. The initial and renewal cost is Rs 25,000.

### Directorate of Higher Education (DoHE)

Issues the NOC to the registered societies. Renews the NOC every year after an inspection. The initial and the renewal cost is Rs 10,000.

### Delhi Development Authority (DDA)

Allots institutional land to the societies at the fixed rate of Rs 1.25 crore per acre of land. The land is allotted only once the society acquires NOC from DoHE or DTTE.

### Concerned University

Affiliates the institutions that comply with the rules and norms laid down by the university. The assessment team from the university conducts an inspection every year. They prescribe a broad syllabus for each course, decide the fees to be collected and conduct the entrance examination as well as year-end examinations.

### Concerned Council

The concerned council approves the affiliation from the university. They prescribe the strict syllabus to be followed by the institutions (Bar Council, Medical Council of India). The council also charges a fixed amount for the approval of affiliation and its renewal.

### University Grants Commission (UGC)

UGC dictates the salary scale of the lecturers, which must be at par with the salary structure in government run colleges. It also lays down a model syllabus.

## Procedure

1. In order to open a college, the association has to be registered as a society under Act 21 of the Societies Recognition Act, 1860 or as a trust constituted under any law for the time being in force.
2. The society needs to obtain a “No Objection Certificate” (NOC) from the Directorate of Higher Education (DoHE). An NOC is an essential document certifying the requirement of a college in the particular zone, on the basis of which land is allotted to the society for the purpose of building a new college. An NOC is granted to avoid mushrooming of colleges, which could make existing colleges redundant. The NOC has to be renewed every year and the college authorities are required to pay an amount of Rs 10,000 every year for renewal. Colleges have to fill in an application form every time inspection by DoHE takes place giving details about infrastructure and other details.
3. After the college gets an NOC from DoHE it applies to the government for acquiring land meant for institutional purposes. This is forwarded to the DDA and the land owning agency sells the land. An acre of land costs about Rs 1.25 crore in places like South Extension and Saket, Delhi. Thus, only after the approval of DoHE, land is allotted to the concerned college authorities.
4. Once the college is established, it has to be affiliated to a recognised university. The college has to comply with all the norms laid down by the university to get the affiliation. A fixed amount has to be paid to the university to get affiliation.
5. If the college offers a professional course then the affiliation has to be approved by the concerned council like Bar Council of India in case of a law college, and the Medical Council of India in case of a medical college.

## Case Study

Our case study for this project is XYZ international law school. Registered under the Societies Act, 1860, the ABC society runs several other institutions. In 1999, they sensed the lack of quality education in the legal field. With a vision to provide quality education and to churn out competent lawyers, the ABC society applied for NOC to the directorate of higher education as law is a non-AICTE course. To get NOC from DoHE the institute had to submit the aims and objectives and details about the infrastructure and the courses run by the ABC society. This is basically to ensure that the society has a good track record in the field of education. An amount of Rs 10,000 is to be remitted along with the application. Simultaneously, they applied to DDA for the allotment of land. The institute also applied to the Guru Gobind Singh Indraprastha University for the affiliation at the same time. They had to submit a project report giving details about the aims and objectives, infrastructure, track record of the society with the copy of application submitted to DoHE. The society had to remit an amount of rupees two lacs. The society also has to start an endowment fund of Rs 12 lac as a fixed deposit, which will be used in case of an emergency. Once the society completed this massive application process, they had to face a gargantuan battalion of inspection teams. First an inspection team consisting of "high-level officials" from the DoHE inspects the institute and ensures that the institute complies with the norms laid down in the Questionnaire (see Annexure I). If the inspection team finds the institute satisfactory, NOC is issued. Next is the turn of the university. An assessment team from the university inspects the institution and they issue consent for affiliation whose clause says, "the university is ready to affiliate so and so institute, provided the concerned council approves the affiliation." This process took a year to complete. With this consent, XYZ applied to the Bar Council of India, which is the concerned council in this case. An amount of rupees one lac had to be remitted to the bar council in this connection. The Bar council inspects the institute and approves the affiliation of the university. Bar Council gave approval for three years at the end of which the college has to get it renewed and remit Rs 50, 000 for the same. This institute has to comply with the salary structure dictated by UGC even when it is not entitled to get any financial assistance from UGC. The university dictates the fee to be charged and the curriculum and the college do not have the option of making any changes in the syllabus without the prior permission of university.

## Hey, Leave the Kids Alone

We have so far analysed the authorities and functions that deal with higher education in our country, the procedure that has to be undergone to function and presented a real-life case study. With this data in hand, a critical analysis of the system is the need of the hour.

The basic flaw regarding the affiliation procedure is the requirement that the foundation has to be registered under the Societies Act of 1860. This Act requires the concerned society to be non-profit making. This simply means that, at the end of the day, even after a decade of privatisation-liberalisation process, when it comes to education, private entrepreneurs are kept at bay. So, all self-financing colleges under Indraprastha university in Delhi, to quote a senior official in the industry, "are functioning with a philanthropist motive... basically people who want to serve the society... want to use the money with some good intentions..." In other words, if you want to open an educational institution, the first requisite is to be prepared to serve the society. (Of course, with some good intentions).

Another flaw, according to most of the self-financing institutes is the fact that the fees to be collected are dictated by the university and the salary to be paid is dictated by the UGC and the scales must be at par with the government colleges. This is done when the UGC itself does not pay a single penny to the institution on any grounds. All this precipitates down to the distortion of the market by not letting the forces of supply and demand operate freely.

The DoHE and DTTE renew the NOC every year on the receipt of Rs 10,000 and Rs 25,000 respectively. This is just to ensure that whatever infrastructure was built during the issue of NOC is not demolished or is still in place. The university also charges a renewal fee of Rs 20,000 every year until the affiliation becomes permanent.

These days, when there is mounting demand for foreign university degrees, institutes in Delhi cannot affiliate themselves to a foreign university along with the home university although they can affiliate a course to run exchange programs.

Concluding, we would say, with the backing of the experience of interacting with the industry, that both the industry as well as the student fraternity would be far better off, if higher education would be liberated from the clutches of so many regulating authorities.

Let us let the market forces operate and take our education system to a world...

*Where the mind is without fear and the head is held high,*

*Where the knowledge is free,*

*Where the world has not been broken up into fragments by narrow domestic walls,*

*Where the words come from the depth of truth,*

*Where tireless striving stretches its arms towards perfection,*

*Where the clear stream of reason has not lost its way into the dreary desert sand of dead habit,*

*Where the mind is led forward by thee...*

*Into that heaven of freedom, my father let my country awake.*

*Rabindranath Tagore*

<u>Annexure I</u>	
Form for Inspection for No Objection Certificate for Revalidation/ Grant Of No Objection Certificate for Additional Courses and Enhancement of Seats to Existing Institutes/ Issue of Fresh No Objection Certificate	
1.	Name of Institute
2.	Date of Inspection
3.	Date Initial Non-Issued
4.	Date NOC Last Revalidated
5.	Date Affiliation Granted by GGSIPU (Guru Gobind Singh Indraprastha University)
6.	Courses Applied For (Additional/Fresh)
7.	Courses Being Run by the Institute
8.	Infrastructure
A.	Building n Space
i)	Class Rooms (Average 1.3 Sq. meters per student)
ii)	General Hall (1-1/2 times number of students)
iii)	Laboratories & Computer Labs
iv)	Libraries & Reading Room
v)	Principal's Office
vi)	Staff Rooms
vii)	Administrative Officer & Staff
viii)	Stores
ix)	Toilets (Separate for male & female)
x)	Provision of Drinking Water
xi)	Outdoor & Indoor Sports facilities
B.	Furniture
i)	Student's desks & chairs
ii)	Hall dais and Chairs
iii)	Chairs & Tables for Principal, Staff & Teachers
iv)	Work tables for laboratories
v)	Book shelves in Library / Tables & Chairs in Reading Room
vi)	Blackboards in Class Rooms
vii)	Notice Boards & Bulletin Boards
viii)	Steel Almirahs/Racks/Cabinets
ix)	Number of computers and other Lab equipment
C.	Human Resources
i)	Student to Teacher Ratio
ii)	Number of permanent Teachers
iii)	Number of part-time teachers
iv)	Number of System Analyst/Computers Operators/Technical staff/Librarian etc.
v)	Mode of appointment of staff
D.	Library and Reading Room
i)	Number of titles (reference)
ii)	Number of titles (other)
iii)	Number of journals (Reference)
iv)	Other Books/Journals
v)	Total Books

## References

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- Radhakrishnan, Bar Council of India
- M K Balchandran, Amity Group
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